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Senate

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who has said, "Judgment is Mine!", forgive us when we play god by assuming the right to judge people's ultimate worth on the basis of their positions on issues. We confess the judgmentalism that renders others as good or bad people on the basis of their ideas. Forgive any cowardice that steps back from debate of convictions and hides behind condemnation of character. Jesus said,

"Judge not that you be not judged. For with what judgment you judge, you will be judged . . ."—Matthew 7: 1-2.

The men and women of this Senate have two things in common as they begin this week: They all are conscientious about their crucial leadership role; and they all want what is best for our Nation. Now create in all of them a dominant desire to seek Your guidance and will. May their hourly prayer be, "Show me, reveal to us, Your way." In response, express Your direction for the Nation. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business to accommodate a number of Senators who have asked for time to speak.

The Budget Committee is scheduled to mark up the budget resolution beginning this afternoon at 4 p.m., and it

is my hope that we may count any debate time today that we will use relating to the budget toward the statutory time limitation.

Tomorrow, the Senate will begin consideration of the concurrent budget resolution, and Members can anticipate rollover votes throughout the day.

It is also possible that the Senate may resume consideration of H.R. 1122, the partial-birth abortion ban bill, with the intention of a vote on final passage occurring early this week. We had actually hoped that we could get a vote on that perhaps right after the luncheon on Tuesday. But there are some discussions underway, and we may not be able to get to that that soon.

As always, all Members will be notified as soon as any votes are scheduled on these or other matters.

Also, as a reminder to Members, this is the last week prior to the Memorial Day recess and, therefore, Senators can expect a very busy week with us more than likely having to go into the evening on Tuesday, Wednesday, and Thursday. And we should expect votes on Friday. At least on Tuesday, I don't know that there will be recorded votes, but certainly on Wednesday and Thursday in order to finish the budget resolution, complete action on the partial-birth abortion ban, and also get to another vote on the comptime-flextime Family Friendly Workplace Act. We will have to have some votes on that probably on Thursday. Then we would probably need to do the budget resolution by Friday, or probably on Friday, as well as the supplemental appropriations on Friday, if we haven't been able to get an agreement to do it before then.

Also this week we will have to pass the Chemical Weapons Convention implementation bill. I think the problems are being worked out there. It shouldn't take too much time, although a block of time will be necessary to explain what is included in that implementation bill.

So, Mr. President, I just want to reconfirm that we do still this week intend to do the budget resolution, finish the debate and final vote on the partial-birth abortion ban, have votes on the comptime-flextime bill with the hope that we could reach some agreement to actually get the legislation completed, and then vote on the budget resolution conference and the supplemental conference.

We will keep the Members advised of any changes in the schedule.

By the way, we do expect this week to take up perhaps some action on the Executive Calendar, at least the judicial nominations, probably Wednesday or Thursday. And we will have to have recorded votes on those three nominations, if we actually do take them up.

So we would try to schedule that either Wednesday or Thursday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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PARTIAL-BIRTH ABORTION BAN
ACT OF 1997

Mr. ASHCROFT. Mr. President, I rise to speak about a topic which is going to be voted on here in the U.S. Senate tomorrow, the topic of partial-birth abortion. This is an issue which I think is understandable by virtually every American who has given it any consideration. They understand this is a brutal technique which inflicts pain and is the kind of thing which would shock the conscience of most Americans not only as it relates to unborn children, but if it were, as a matter of fact, a procedure used even on animals.

Mr. President, about 2 weeks ago, a Rhode Island jury found a mother guilty of second-degree murder in the death of her newborn daughter. The State medical examiner, according to a May 9 article in the Providence Journal-Bulletin, testified that the little girl died from a single blow to the back of the head that left a laceration on her scalp and an inch-long skull fracture. The umbilical cord and the placenta were still attached to the child.

Now, ironically, this Rhode Island woman who had been found guilty of second-degree murder, if she had, prior to giving birth, allowed a physician to perform a procedure very similar to what she did, a procedure called partial-birth abortion, there would have been no criminal action involved. The baby would have been there, the blow to the head would have been similar, the umbilical cord would still have been attached, the placenta would still have been there, but because the baby would have been only partially born, it would have been entirely legal.

This kind of tension that exists in the law between charging and convicting a mother of second-degree murder and authorizing a physician to conduct what is called a partial-birth abortion makes no sense to the American people.

Let me take a few moments today to talk about the lessons we teach when we as a culture allow such tensions to persist. When we come down here to the floor and we argue before the cameras, the Nation is affected on a level of which we too often take little notice. People look, people listen, people understand.

Right now we are debating a violent medical procedure that, in my judgment, should be a clear-cut wrong. People understand that. However, the high emotion of the abortion debate seems to blur the vision of many of us who are in the U.S. Congress. We are so caught up in arguing about the definition of technicalities that we are in danger of slipping into absurdities ourselves, absurdities that are exemplified by the charge and conviction of the woman in Rhode Island.

The stakes are high here, as we are talking, in no uncertain terms, about the value of human life. It seems so clear that all of us should vote to ban the direct killing of a fully formed, often viable, human being. Yet because

the child is 80 percent born, somehow we have allowed the killing of that child to be legal.

Now the partisan political rhetoric we expend here and the attempts to turn this vote into abstract public policy are setting an example in our society and in the world that bring into question our Nation's status as a moral leader. How can we lecture or threaten China on its human rights abuses when we stand up and argue that human beings should be brutally butchered in a procedure that is rarely, if ever, medically necessary?

How can we question the practice of child slavery in foreign nations when our own Nation's lawmakers cast cavalier votes to torture our own infants?

Let me be clear, though. Our position as a world leader does not trouble me as much as the positions we put our youth in when we refuse to provide moral guidance.

What are we teaching our own children? What are we saying to them about the value of life? What are we saying to them when we suggest that a technicality provides the difference between destroying a life, committing murder, and merely having an abortion?

What values are we teaching when we vote that the difference between a partial-birth abortion and a homicide is a mere 3 inches?

If the physician took forceps or scissors to collapse the baby's skull outside the mother's body, he or she would be charged with murder.

Yet, if the skull is collapsed when the baby's head is still partially in the birth canal, the homicide becomes a legal procedure.

What values are we teaching when lawmakers show more concern for animals or the environment than for human life? Let's look at two pieces of legislation that demonstrate the absurdity of our present value system.

H.R. 3918 was introduced by then Representative BARBARA BOXER on November 25, 1991. The Congressional Research Service summarizes the bill as follows:

Requires each Federal department or agency head to review and evaluate nonanimal alternatives with the potential for partial or full replacement of the Draize or other animal acute toxicity tests for some or all of the products regulated by such department or agency.

I might not have all the facts, but it seems to me that Senator BOXER—one of the strongest opponents of this legislation—seems to put the pain and suffering of laboratory animals above the pain and suffering of human beings.

When you say that you want to replace the Draize, or other animal acute toxicity tests, and you are willing to say it is necessary to spare animals this kind of pain but it is not necessary to spare these mostly born children of the pain inflicted on them by partial-birth abortion, I think you can again raise the level of tension between what the public knows is right and the tech-

nicality of the law which would allow something which the public knows to be very wrong.

Former Senator Pell introduced S. 1701 during the 104th Congress. The bill prescribes criminal penalties for use of steel jaw leghold traps on animals; directs the Secretary of the Interior to reward nongovernment informers for information leading to a conviction under this act; and empowers enforcement officials to detain, search, and seize suspected merchandise or documents and to make arrests with and without warrants.

Senator Pell stated on the floor, "While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping." Well, the bill we are debating today does not outlaw abortion—it outlaws "a particularly savage method of abortion."

I am surprised and even a bit dismayed that the Members supporting and proactively fighting for measures that would reduce the suffering of animals have not been willing to afford at least the same protections to human beings.

What values are we teaching when we appear to value to limbs of animals over the lives of children?

And this takes me back to my opening—the emotion and strife of the abortion debate is blinding and confusing some Members. However, the legislation before us today is not about an uncertainty, it is about combating acts of barbarism against human beings.

Of course, part of the confusion on this issue is due to misleading reports on the necessity and practice of partial-birth abortions. As reported in Newsweek last October:

When the partial-birth-abortion debate took shape last year, pro-choice groups insisted the procedure was extremely rare. The number 500 to 600 was tossed around, with the President and others explaining that it was reserved for heart-wrenching cases involving women whose tests show severely deformed fetuses or whose health was at risk.

That comes from Jonathan Alter, "When the Facts Get Aborted," Newsweek, October 7, 1996.

But we now have a fairly clear and broad concurrence on the truth about the rarity and utility of this procedure. Let's look at the facts.

The fact is that partial-birth abortions are not rare or unusual.

The fact is not that it is 500 or 600 cases a year in the entire country.

The Sunday Record of Bergen County, NJ stated: "But interviews with physicians who use the method reveal in New Jersey alone, at least 1,500 partial-birth abortions are performed each year"—triple the 450-500 number which the National Abortion Federation [NAF], a lobby for abortion clinics, has claimed occur in the entire country.

The same article in the Bergen County Sunday Record reported:

Another [New York] metropolitan doctor who works outside New Jersey said he does about 260 post-20-week abortions a year, of which half are by intact D&E. The doctor, who is also a professor at two prestigious